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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

WALTER J. RUIZ and MILLICENT Z.
RUIZ, individually and as husband and
wife,

Plaintiffs,

v.

CITY OF MESQUITE, et al.,

Defendants.

2:09-CV-211 JCM (LRL)

ORDER

Presently before the court is the matter of *Ruiz et al v. Southern Area Interdiction Narcotics Team et al.* (Case No. 2:10-cv-00077-JCM-LRL), which was consolidated with *Ruiz et al., v. City of Mesquite et al* (Case No. 2:09-cv-00211-JCM-LRL.) on September 1, 2010, pursuant to the court's order (doc. # 28).

Federal Rule of Civil Procedure 4(m) provides: "If a defendant is not served within 120 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice."

Plaintiffs Walter Ruiz and Millicent Ruiz filed their complaint in the Eighth Judicial District Court, in Clark County, Nevada, on October 8, 2009, against defendants Southern Area Interdiction Narcotics Team, Nevada Department of Public Safety Investigation Division, Detective John Doe Bryant, Detective John Doe Trimming, M.D. Clayton Fuller, D.O. Darrin F Houston, M.D. Robert Foster, and Mesa View Regional Hospital. The case was removed to this court by defendants

1 Southern Area Interdiction Narcotics Team, Nevada Department of Public Safety Investigation
2 Division, Detective John Doe Bryant and Detective John Doe Trimming on January 20, 2010. (Doc.
3 # 1).

4 Pursuant to Federal Rule of Civil Procedure 4(m), on April 7, 2010, the clerk of the court
5 provided notice to the plaintiffs that the action would be dismissed as to defendants M.D. Clayton
6 Fuller, D.O. Darrin F Houston, M.D. Robert Foster, and Mesa View Regional Hospital, if they did
7 not file proof of service of process by May 7, 2010. (Doc. # 16)

8 To date, plaintiffs have failed to file proof of service with the court as to defendants M.D.
9 Clayton Fuller, D.O. Darrin F Houston, M.D. Robert Foster, and Mesa View Regional Hospital.

10 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the case as to defendants
11 M.D. Clayton Fuller, D.O. Darrin F Houston, M.D. Robert Foster, and Mesa View Regional
12 Hospital, be, and the same hereby is, DISMISSED without prejudice.

13 DATED this 24th day of September, 2010.

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16 **UNITED STATES DISTRICT JUDGE**
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